

FEDERAL SUBRECIPIENT DETERMINATION CHECKLIST

Reference 2 CFR § 200.330
(To be completed by DHS staff)

Log #: _____

Name of Contractor: _____ Division: _____

Name of Person Completing Checklist: _____ Date: _____

Answer Question Below to Determine if Checklist Must be Completed	Yes	No	Comments
Will DHS be using federal funds to pay for any part of this DHS contract?			If " No ," stop now; further completion of checklist not required. If " Yes ," complete checklist questions below based on the contract to be processed.

CHECKLIST QUESTIONS

(Complete both lists to ensure accuracy)

SUBRECIPIENT -- Check YES or NO for each question below as it pertains to this contract ("*Yes*" indicates the Contractor has the characteristics of a Subrecipient).

YES	NO	Will the Contractor:
		1. Determine who is eligible to receive what Federal financial assistance?
		2. Have its performance measured in relation to whether the objectives of the Federal program were met?
		3. Have responsibility for programmatic decision-making?
		4. Be responsible for adherence to applicable Federal program requirements specified in the Federal award?
		5. Use the Federal funds it receives under the contract to carry out a program for a public purpose specified in authorizing statute as opposed to providing goods or services for the benefit of the DHS contracting entity?

NOT A SUBRECIPIENT-- Check YES or NO for each question below as it pertains to this contract ("*Yes*" indicates the Contractor does not have the characteristics of a Subrecipient).

YES	NO	Does the Contractor:
		1. Provide the goods and services within normal business operations?
		2. Provide similar goods and services to many different purchasers?
		3. Normally operate in a competitive environment?
		4. Provide goods or services that are ancillary (secondary) to the operation of a Federal program?

Based on checklist results, the Contractor's characteristics indicate the Contractor: (*Check one*):

☐ **IS A SUBRECIPIENT** or ☐ **IS NOT A SUBRECIPIENT**

In determining whether a contractor is or is not a subrecipient, the substance of the relationship is more important than the form of the contract. All of the characteristics above may not be present in all cases and judgment must be used to determine whether or not the Contractor is a subrecipient. ***If you have questions as to how the Contractor should be classified, check with your Division fiscal officer.***

IF THE CONTRACTOR IS A SUBRECIPIENT OR IF THE DETERMINATION IS NOT CLEAR AND A JUDGMENT MUST BE MADE, SEE THE ADDITIONAL INSTRUCTIONS ON THE FOLLOWING PAGE

In cases where the determination on page one is unclear and a judgment must be made, state the reasons for the final decision reached below:

ADDITIONAL REQUIREMENTS PERTAINING TO SUBRECIPIENTS

1. *PURSUANT TO 2 CFR § 200.331(b)*, Prior to contracting with a subrecipient, the division must:

"[e]valuate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring described in paragraphs (d) and (e) of this section, which may include consideration of such factors as:

- (1) The subrecipient's prior experience with the same or similar subawards;
- (2) The results of previous audits including whether or not the subrecipient receives a Single Audit in accordance with Subpart F—Audit Requirements of this part, and the extent to which the same or similar subaward has been audited as a major program;
- (3) Whether the subrecipient has new personnel or new or substantially changed systems; and
- (4) The extent and results of Federal awarding agency monitoring (e.g., if the subrecipient also receives Federal awards directly from a Federal awarding agency).

Documentation of the required risk assessment, including the assessment's impact on the division's monitoring plan for the subrecipient, shall be maintained in the division's files for auditing purposes.

2. *PURSUANT TO 2 CFR § 200.331(a)*, when contracting with a subrecipient, the following federal award identification information must be included in the contract:

- a. Subrecipient name (must match the name associated with its unique entity identifier)
- b. Subrecipient's unique entity identifier.
- c. Federal award identification number (FAIN);
- d. Federal award date (See §200.39)
- e. Period of performance start and end date
- f. Amount of federal funds obligated by this action;
- g. Total amount of federal funds obligated to the subrecipient
- h. Total amount of the Federal award;
- i. Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);
- j. The name of the federal awarding agency, pass-through entity, and contact information for awarding official;
- k. CFDA number and name;
- l. Whether the award is research and development; and
- m. Indirect cost rate for the Federal award (including if the de minimis rate is charged per § 200.414), when applicable.

If some of the above information is not available, include the best information available to describe the federal award.